

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:18-cr-630-DPM-5

CORY RAY GARCIA
Reg. No. 32373-009

DEFENDANT

ORDER

Garcia moves for immediate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on his alleged medical issues. The first and dispositive issue is exhaustion. 18 U.S.C. § 3582(c)(1)(A). He admits that he didn't exhaust his administrative remedies. *Doc. 304 at 3*. The statute's exhaustion requirement is jurisdictional and can't be waived. *Doc. 197 in United States v. Cox*, Case No. 4:98-cr-73-DPM (8 September 2020). Garcia's motion, *Doc. 304*, is therefore denied without prejudice for lack of jurisdiction.

The Court directs the Clerk to send Garcia a copy of the Court's *Cox* opinion with this Order.

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 January 2025